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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANGELA EVANS. an individual,
Plaintiff,

vs.

VALLEY ELECTRIC ASSOCIATION, INC.;
DOES I through X; and ROE Corporations XI
through XX, inclusive,
Defendants.

Case No. 2:20-cv-00986-RFB-VCF

ANGELA EVANS,
Plaintiff,

vs.

NYE COUNTY SHERIFF'S OFFICE, a political
subdivision of the State of Nevada; DAVID
BORUCHOWITZ, individually,
Defendants.

Case No. 2:20-cv-01919-RFB-VCF

**JOINT REPORT AND REQUEST
FOR INFORMAL DISCOVERY
CONFERENCE**

ANGELA EVANS ("Evans"), VALLEY ELECTRIC ASSOCIATION, INC. ("Valley Electric"); NYE COUNTY SHERIFF'S OFFICE ("NCSO"), and DAVID BORUCHOWITZ (collectively, the "Parties," and each a "Party"), by and through their respective counsel, submit the following joint report and request for an informal discovery conference with the Magistrate Judge in the cases of *Angela Evans v. Valley Electric Association, Inc.*, Case No. 2:20-CV-00986-RFB-VCF ("00986 Case"), and *Angela Evans v. Nye County Sheriff's Office, et al.*, Case No. 2:20-

CV-01919-RFB-VCF (“01919 Case,” and together with the 00986 Cases, the “Actions”). Pursuant to the order of the Magistrate Judge, the Actions have been coordinated for discovery. *See* ECF No. 38 in 00986 Case.

I. BACKGROUND AND REPORT

At hearing on January 5, 2021, the Magistrate Judge granted in part VEA’s Motion for Protective Order (ECF No. 23 in 00986 Case) and directed that the parties submit a proposed joint protective order by January 19, 2021. *See* ECF No. 38 in 00986 Case. The Magistrate Judge further ordered that the 00986 Case and the 01919 Case be coordinated for discovery purposes. *Id.*

Counsel for VEA drafted and circulated a draft proposed stipulated confidentiality and protective order to counsel for NCSO and Officer Boruchowitz as well as counsel for Ms. Evans in both the 00986 and 01919 Cases. The parties exchanged written edits and conducted a telephonic discussion on their proposed revisions on January 15, 2021. The parties were unable to reach an agreement on several of the material terms of the proposed stipulated confidentiality and protective order and resolved that a conference with the Magistrate Judge would be useful in resolving their disagreement. Specifically, the parties have reached an impasse as to the following issues:

1. *Whether the stipulated confidentiality and protective order should allow for an Attorney Eyes Only designation, where documents produced and so designated may be disclosed only to counsel for a party, and certain employees and agents of counsel for a party, and not to any party or any other person;*
2. *Whether the stipulated confidentiality and protective order should allow for designation of certain sensitive documents as Attorney Eyes Only as to NCSO and Officer Boruchowitz, but merely Confidential as to Ms. Evans; and*
3. *Whether the stipulated confidentiality and protective order should place the burden to move the Court for a ruling on any dispute over the validity of a Confidentiality or Attorney Eyes Only designation on the contesting party, and whether the contesting party should bear the burden of proof on such motion.*

The parties agree that the Magistrate Judge’s January 19, 2021, deadline to submit a

1 proposed stipulated confidentiality and protective order should be extended to a time after
2 the parties are able to confer with the Court and obtain direction and resolution on the issues set
3 forth above.

4 **II. REQUEST FOR INFORMAL DISCOVERY CONFERENCE**

5 Counsel for the parties has reached an impasse and are unable to reach agreement on the
6 content of the proposed stipulated confidentiality and protective order as set forth in this report.

7 Federal Rule of Civil Procedure 16 provides that the Court may order the parties to an
8 action to appear for one or more pretrial conferences to discuss, among other things, pretrial
9 discovery. *See, e.g.*, FRCP 16(c)(2)(F) (“court may consider and take appropriate action [on]
10 controlling and scheduling discovery, including orders affecting disclosures and discovery under
11 Rule 26...”). Pursuant to LR IB 1-7(b), the Magistrate Judge is authorized to “[c]onduct pretrial
12 conferences, settlement conferences, hearings, and related pretrial proceedings in civil ...cases.”
13 Pursuant to LR 1-1, counsel for civil litigants are advised to consider, as a means for reducing costs,
14 “*using the assigned magistrate judge to resolve discovery disputes by telephone or informal*
15 *conference.*”

16 Based on the foregoing, the parties respectfully request that the Magistrate Judge set an
17 informal, telephonic discovery conference, at a time convenient to the Magistrate Judge’s schedule,
18 to assist the parties in resolving their disputes over the appropriate content of the proposed
19 stipulated confidentiality and protective order.

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1 In addition, the parties request that the deadline to submit a proposed
2 stipulated confidentiality and protective order be extended from January 19, 2021, to a date not less
3 than two (2) weeks after the date of such conference.

4 **IT IS SO STIPULATED.**

5 Dated this 19th day of January 2021.

Dated this 19th day of January 2021.

6 MARQUIS AURBACH COFFING

LAGOMARSINO LAW

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8 By: ____/s/ James A. Beckstrom ____
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Attorneys for Plaintiff

13
14 Dated this 19th day of January 2021.

Dated this 19th day of January 2021.

15 GABROY LAW OFFICES

FENNEMORE CRAIG, P.C.

16
17 By: ____/s/ Christian Gabroy ____
18 Christian Gabroy, Esq.
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Association, Inc.*

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24 **ORDER**

25 IT IS HEREBY ORDERED, based on the stipulation of the Parties, that counsel for the
26 Parties are directed to participate in an informal telephonic discovery conference with the
27 Magistrate Judge on February 3, 2021, at 10:00 a.m.
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1 regarding the issues raised in the Parties' stipulated report regarding the proposed joint protective
2 order.

3 IT IS FURTHER ORDERED that the deadline for the parties to submit a proposed joint
4 protective order is extended from January 19, 2021, to February 10, 2021.

5 **IT IS SO ORDERED.**

6 DATED this 20th day of January, 2021.

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8 _____
U.S. MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of FENNEMORE CRAIG, P.C., and that on this date, pursuant to FRCP 5(b), I am serving a true and correct copy of the attached **JOINT REPORT AND REQUEST FOR INFORMAL DISCOVERY CONFERENCE** on the parties set forth below by:

_____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices

_____ Certified Mail, Return Receipt Requested

_____ Via Facsimile (Fax)

_____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

_____ Federal Express (or other overnight delivery)

XX Via the Court's electronic filing / service system

addressed as follows:

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DATED this 19th day of January, 2021.

/s/ Debbie Sorensen
An employee of FENNEMORE CRAIG, P.C.